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09/687,769	10/13/2000	Steven A. Weiss	28265-PA	1069

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EXAMINER

ASHBURN, STEVEN L

ART UNIT

PAPER NUMBER

3714

DATE MAILED: 06/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/687,769

Applicant(s)

WEISS, STEVEN A.

Examiner

Steven Ashburn

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3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

MARK SAGER  
PRIMARY EXAMINER

### ***DETAILED ACTION***

#### ***Claim Rejections - 35 USC § 112***

The rejections of claims 4 and 5 under 35 U.S.C. 112 are withdrawn.

#### ***Claim Rejections - 35 USC § 103***

Claims 1-3 and 5-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Eggleston*, U.S. Patent 6,061,660 (May 2001) in view of *Walker*, U.S. Patent 6,001,016 (Dec. 14, 1999).

*Eggleston* discloses an on-line system for allowing sponsors and retailers to offer incentive games to consumers over Internet websites to motivate players to obtain information and visit business establishments. The reference teaches that it was known in the art to use incentive programs to modify the behavior of consumers to motivate them to perform predetermined actions such as purchasing products or services upon visiting a retail site, viewing advertising, testing a product, etc. *See col. 1:36-46*. Furthermore, it suggests providing improved incentive programs over the Internet whereby consumers can easily access incentive award programs through web sites using their personal computers. *See col. 5:55-6:30*. In general, *Eggleston* suggests an online system for offering games to consumers in order to motivate them to visit a sponsor's business. In specific regards to the claims, *Eggleston* discloses the following features of the claimed subject matter:

- a) Posting information about a plurality of gaming devices on a wide area network (WAN). *See figs. 8, 9 and col. 13:42-50. (Claims 1)*
- b) Posting on the WAN information about potential promotions, contests and awards. *See figs. 8, 9 and cols. 12:21-13:5. (Claims 1, 7)*
- c) Displaying procedures correlating gaming device use to attain awards, promotions and contests. *See figs. 8, 9 and cols. 12:21-13:5. (Claim 1)*
- d) Updating the promotions, contests and awards as they are changed or awarded. *See figs. 10-12, 14 and cols. 14:26-15:55. (Claim 10)*

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- e) Displaying, playing and rewarding awards, contests and promotions remotely over a network.

*See fig. 19 and cols. 13:43-14:5. (Claims 2, 8, 9, 10, 11, 12, 15)*

- f) Delivering awards. *See fig. 14 and cols. 21:29-22:32. (Claim 13)*

- g) Rewarding success using digital vouchers. *See col. 13:55-67. (Claims 3, 14)*

- h) Posting new and updated games on the network. *See cols. 14:26-15:15. (Claims 6, 10)*

Hence, *Eggleston* describes all the features of the claimed subject matter except the following:

- a) Posting information about wagering games located at a site of a gaming establishment.

*(Claims 1, 7)*

- b) Allowing redemption of an award in person at a casino. *(Claims 5, 10)*

- c) Providing updates to a machine at a casino under the aegis of a gaming establishment.

*(Claim 8)*

- d) Displaying awards in the casino on a gaming machine. *(Claim 15)*

Regardless of the deficiencies, these features were known in the art at the time of the invention and would have been obvious to an artisan in view of *Walker*.

*Walker* discloses a gaming system wherein remotely located players access wagering game devices located in a casino over an Internet connection. *See fig. 1; col. 2:52-4:9.* In general, *Walker* suggests offering players access to gaming devices over a WAN such that so that players are not required to be physically present at a game device. In specific regards to the claims, *Walker* describes the following features:

- a) Posting information about wagering games located at a site of a gaming establishment. *See*

*fig. 11a, b; col. 10:20-48. (Claims 1, 7)*

- b) Allowing redemption of an award in person at a casino. *See fig. 10; 56-11:25. (Claims 5,*

*10)*

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c) Providing updates to a machine at a casino under the aegis of a gaming establishment. *See col. 10:20-48. (Claim 8)*

d) Displaying awards in the casino on a gaming machine. *See col. 10:20-48. (Claim 15)*

As listed above, *Walker* describes the remaining features of the claimed subject matter.

In view of *Walker*, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Eggleston*, wherein business offer players incentive games and associated information, to offer wagering game devices located at casinos to motivate players to play wagering games, visit casinos, and view casino advertising in order heighten player interest in a casino and thereby generate greater revenue for the casino operators.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Eggleston* in view of *Walker*, as applied to claims 1-3 and 5-15 above, in further view of *Leason*, U.S. Patent 6,251,017 B1 (Jun. 26, 2001).

The online incentive system for a casino suggested by the combination of *Eggleston* with *Walker* describes all the features of the claimed subject matter except rewarding success by electronic transport to a player's designated network site. Regardless of the deficiency, the feature was known in the art at the time of the invention and would have been obvious to an artisan in view of *Nolte*.

*Leason* discloses an analogous system for offering online gaming wherein players are rewarded by gaining access to designated network sites. *See col. 2:1-30*. As a result, the system offers players the reward of interacting with services they could not otherwise access. Furthermore, the game's sponsors and its marketing partners gain consumer traffic to their Internet sites and thereby obtain further opportunities to market goods and services to targeted customers.

In view of *Leason*, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the online incentive system for a casino suggested by the combination of *Eggleston*

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with *Walker*, wherein online games are employed to attract players to a casino, to add the feature of rewarding success by electronic transport to a player's designated network site to reward players and increase marketing opportunities for casinos.

### ***Response to Arguments***

Applicant's arguments with respect to claim 1-15 have been considered but are moot in view of the new grounds of rejection necessitated by the Applicant's amendment.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Ashburn whose telephone number is 703 305 3543. The examiner can normally be reached on Monday thru Friday, 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are

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unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 703 308 4119. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872 9302 for regular communications and 703 872 9303 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1078.



Steven Ashburn  
June 21, 2002



MARK SAGER  
PRIMARY EXAMINER